

includes Tentative Parcel Map 35088, determined that there are no significant impacts to air (permanent) or water quality, biological or cultural resources, geology and soils which can not be mitigated to less than significant levels, with incorporation of recommended mitigation measures into the Project, which has been required.

4. The design of Tentative Parcel Map 35088 and type of improvements are not likely to cause serious public health problems, in that this issue was considered and addressed in the Final EIR prepared for the Project. The Project will not routinely use or transport any hazardous material(s), nor are there any hazardous materials identified to exist on the Project site. The Final EIR prepared for the Project, which includes Tentative Parcel Map 30588, determined that there are no significant impacts to air (permanent) or water quality, geology soils, or other significant health or safety-related impacts which cannot be mitigated to less than significant levels with incorporation of mitigation measures into the Project, which has been required.
5. The design and improvements required for Tentative Parcel Map 35088 will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. All necessary right-of-way for construction of off-site improvements associated with this site will be provided as required by the conditions of approval for this Project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of La Quinta, California, as follows:

I. That the above recitations are true and constitute the Findings of the City of La Quinta Council in this case;

II. That it does hereby approve Tentative Parcel Map 35088, as referenced in the title of this Resolution, for the reasons set forth in this Resolution, and subject to the attached Conditions of Approval.

**PASSED, APPROVED, and ADOPTED** at a regular meeting of the City of La Quinta City Council, held on this the 17<sup>th</sup> day of March, 2009, by the following vote, to wit:

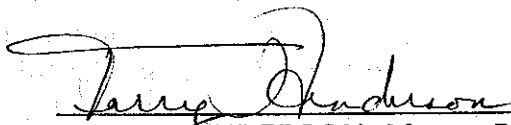
Resolution No. 2009-028  
Tentative Parcel Map 35088  
Mayer Villa Capri, L.P.  
Adopted: March 17, 2009  
Page 4

**AYES:** Council Member Franklin, Kirk, Sniff, Mayor *Pro Tem* Henderson


**NOES:** None

**ABSENT:** Mayor Adolph

**ABSTAIN:** None

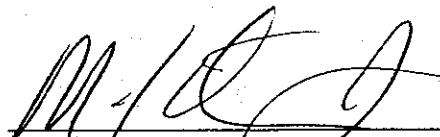
  
TERRY HENDERSON, Mayor *Pro Tem*  
City of La Quinta, California

**ATTEST:**

  
Veronica J. Montecino, CMC, City Clerk  
City of La Quinta, California

(Seal)

**APPROVED AS TO FORM:**

  
M. Katherine Jensen, City Attorney  
City of La Quinta, California

**RESOLUTION NO. 2009-026  
SITE DEVELOPMENT PERMIT 2006-875  
MAYER VILLA CAPRI, L.P.  
CONDITIONS OF APPROVAL – FINAL  
ADOPTED: MARCH 17, 2009**

**GENERAL**

1. The applicant agrees to defend, indemnify and hold harmless the City of La Quinta ("City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Site Development Permit, or any Final Map recorded thereunder. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense.

2. This Site Development Permit is valid for two years, unless an extension is applied for and granted by the Planning Commission pursuant to Section 9.200.080 of the La Quinta Municipal Code.
3. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies, if required:

- Riverside County Fire Marshal
- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
- Planning Department
- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- South Coast Air Quality Management District Coachella Valley

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

A project-specific NPDES construction permit must be obtained by the applicant; and who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI"), prior to the issuance of a grading or site construction permit by the City.

4. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; the California Regional Water Quality Control Board – Colorado River Basin Region Board Order No. R7-2008-0001 and the State Water Resources Control Board's Order No. 99-08-DWQ.
  - A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").

The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at [www.cabmphandbooks.com](http://www.cabmphandbooks.com) for use in their SWPPP preparation.
  - B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.
  - C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
  - D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020 (Definitions), LQMC):
    - 1) Temporary Soil Stabilization (erosion control).
    - 2) Temporary Sediment Control.
    - 3) Wind Erosion Control.
    - 4) Tracking Control.
    - 5) Non-Storm Water Management.

- D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020 (Definitions), LQMC):
- 1) Temporary Soil Stabilization (erosion control).
  - 2) Temporary Sediment Control.
  - 3) Wind Erosion Control.
  - 4) Tracking Control.
  - 5) Non-Storm Water Management.
  - 6) Waste Management and Materials Pollution Control.
- E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
- F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

Additionally, the applicant shall comply with applicable provisions for post construction runoff per the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; and the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-001.

- G. For post-construction urban runoff from New Development and Redevelopment Projects, the applicant shall implement requirements of the NPDES permit for the design, construction and perpetual operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-001.
- H. The applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2008-001 utilizing BMPs approved by the City Engineer.

5. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
6. Approval of this Tentative Parcel Map shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.

#### PROPERTY RIGHTS

7. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements. Said conferred rights shall also include grant of access easement to the City of La Quinta for the purpose of graffiti removal by City staff or assigned agent in perpetuity and agreement to the method to remove graffiti and to paint over to best match existing. The applicant shall establish the aforementioned requirements in the CC&R's for the development or other agreements as approved by the City Engineer. Pursuant to the aforementioned, the applicant shall submit an "AUTHORIZATION TO REMOVE GRAFFITI FROM PRIVATE PROPERTY" form located at the Public Works Department Counter prior to Certificate of Occupancy.
8. Pursuant to the aforementioned condition, conferred rights shall include approvals from the master developer over easements and other property rights necessary for construction and proper functioning of the proposed development not limited to access rights over proposed and/or existing private streets that access public streets and open space/drainage facilities of the master development.
9. The applicant shall offer for dedication on the Final Map all public street rights-of-way in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
10. The public street right-of-way offers for dedication required for this development include:
  - A. PUBLIC STREETS
    - 1) Washington Street (Major Arterial, 120' ROW) - The standard 60

feet from the centerline of Washington Street for a total 120-foot ultimate developed right of way except an additional variable right of way dedication on Washington Street:

- a) at the intersection of Fred Waring Drive to provide for three southbound through lanes (existing), a dual southbound left turn lanes to eastbound Fred Waring Drive (existing), a raised median, three northbound lanes consisting of a 13-foot wide inside lane, a 12-foot wide middle lane, a 13-foot wide curb lane and a 9-foot wide parkway as approved by the City Engineer, and
- b) a 12-foot deceleration/right turn only lane as shown on the January 14, 2009 Site Plan to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS.

Pursuant to the aforementioned conditions, the applicant shall also design and construct improvements on Washington Street to the south of the intersection with Fred Waring Drive that are required to properly align and safely transition to the Washington Street improvements northerly of the Fred Waring Drive intersection as approved by the City Engineer.

- 2) Fred Waring Drive (Major Arterial, 120' ROW) – The standard 60 feet from the centerline of Fred Waring Drive for a total 120-foot ultimate developed right of way except an additional variable right of way dedication on Fred Waring Drive:

- a) at the intersection of Washington Street to provide for a 12-foot parkway, 12-foot deceleration/right turn only lane, three westbound through lanes, a dual westbound left turn lanes to southbound Washington Street, and a raised median as approved by the City Engineer. The proposed right of way shall be measured 75 feet north of the centerline of Fred Waring Drive as shown on the approved Site Plan for this Tentative Parcel Map and as approved by the City Engineer.
- b) for a deceleration/right turn only lane at the westerly most driveway on Fred Waring Drive to provide measured 87 feet

north of the centerline of Fred Waring Drive for a length of 248 feet plus storage length and a transition taper of an additional 150 feet (or length as approved by the City Engineer) to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS.

c) for a deceleration/right turn only lane at the easterly most driveway on Fred Waring Drive as approved by the City Engineer.

- 3) Palm Royale Drive (Pursuant to Parcel Map No. 27131 - Collector Street, 72' ROW) - Street right of way has been dedicated with recorded Parcel Map 27131. No additional right of way is required to comply with General Plan street widths, except an additional variable right of way dedication 1) at the northerly limits of the Parcel Map of 44 feet from the centerline to align with Palm Royale Drive right-of-way at the Desert Sands Unified School District boundary and to transition as required to 36 feet from the centerline at the Rome Drive intersection and 2) on Palm Royale Drive at the Fred Waring Drive intersection measured 42 feet west of the centerline to accommodate one left turn lane, one through lane and one right turn lane and as conditioned under STREET AND TRAFFIC IMPROVEMENTS.

11. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.

Pursuant to this requirement, the Applicant shall include in the submittal packet containing the draft final map submitted for map checking, an offsite street geometric layout, drawn at 1" equals 40 feet, detailing the following design aspects: median curb line, outside curb line, lane line alignment including lane widths, left turn lanes, deceleration lane(s) and bus stop turnout(s). The geometric layout shall be accompanied with sufficient professional engineering studies to confirm the appropriate length of all proposed turn pockets and auxiliary lanes that may impact the right of way dedication required of the project and the associated landscape setback requirement.

12. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Tentative Parcel Map are necessary prior to approval of the Final Map dedicating such rights-of-way, the applicant shall



grant the necessary rights-of-way within 60 days of a written request by the City.

13. The applicant shall offer for dedication on the Final Map a ten-foot wide public utility easement contiguous with, and along both sides of all public streets. Additional on-site utility easements shall be shown on the Final Map for this Tentative Parcel Map as required by the utility purveyors.
14. The applicant shall create perimeter landscaping setbacks along all public rights-of-way as follows:
  - A. Washington Street and Fred Waring Drive (Major Arterial) - 20-foot from the R/W-P/L.
  - B. Palm Royale Drive (Collector Street) - 10-foot from the R/W-P/L.

The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall offer for dedication blanket easements for those purposes on the Final Map.

15. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas on the Final Map.
16. Direct vehicular access to Washington Street, Fred Waring Drive and Palm Royale Drive from lots with frontage along Washington Street, Fred Waring Drive and Palm Royale Drive is restricted, except for those access points identified on the Site Plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded final parcel map.
17. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.
18. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Parcel Map and the date of recording of any Final Map, unless such easement is

approved by the City Engineer.

### STREET AND TRAFFIC IMPROVEMENTS

19. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

#### A. OFF-SITE STREETS

- 1) Washington Street (Major Arterial; 120' R/W):

Widen the east side of the street along all frontage adjacent to the Tentative Parcel Map boundary to its ultimate width on the east side as specified in the General Plan and the requirements of these conditions. The east curb face shall be located fifty one feet (51') east of the centerline, except at locations where additional street width is needed to accommodate:

- a) at the intersection of Fred Waring Drive to provide for three southbound through lanes (existing), a dual southbound left turn lanes to eastbound Fred Waring Drive (existing), a raised median, three northbound lanes consisting of a 13-foot wide inside lane, a 12-foot wide middle lane, a 13-foot wide curb lane and a 9-foot wide parkway as approved by the City Engineer, and
- b) a 12-foot combined continuous deceleration/right turn only lane as shown on the January 14, 2009 Site Plan.

Pursuant to the aforementioned conditions, the applicant shall design and construct improvements on Washington Street southerly of the intersection with Fred Waring Drive as approved by the City Engineer to align and safely transition to the improvements as conditioned northerly of the intersection.

Other required improvements in the Washington Street right-of-way and/or adjacent landscape setback area include:

- c) All appurtenant components such as, but not limited to : curb, gutter, traffic control striping, legends, and signs,

- d) 8-foot wide meandering sidewalk. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curb line that either touches the back of curb or approaches within five feet of the curb at intervals not to exceed 250 feet. The sidewalk curvature radii should vary between 50 and 300 feet and at each point of reverse curvature, the radius should change to assist in creating the arrhythmic layout. The sidewalk shall meander into the landscape setback lot and approach within 5 feet of the perimeter wall at intervals not to exceed 250 feet.
- e) The design and installation of all traffic signal interconnect equipment, conduit, pull boxes and appurtenances along the frontage of the project for the interconnection of the existing traffic signal at Washington Street and Fred Waring Drive intersection to adjacent traffic signals.
- f) Reconstruct the existing 14 - foot wide raised landscaped median at the Primary Access Drive Aisle on Washington Street to provide for left turn movement into the Primary Access Driveway while restricting left turn movement out of the Primary Access Driveway and left turn movement out of Calle Las Brisas on the westerly side of Washington Street as approved by the City Engineer.
- g) Establish a benchmark in the Washington Street right of way and file a record of the benchmark with the County of Riverside.
- h) Relocate the SunLine Transit Agency Bus Stop and Shelter as required to incorporate the SunLine Transit Agency requirements within the proposed deceleration lane.

The applicant shall extend improvements beyond the parcel map boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).

- 2) Fred Waring Drive (Major Arterial; 120' R/W):

Widen the north side of Fred Waring Drive along all frontages adjacent to the Tentative Parcel Map boundary to its ultimate width on the north side as specified in the General Plan and the requirements of these conditions. The north curb face shall be located fifty one feet (51') north of the centerline, except at locations where additional street width is needed to accommodate:

- a) at the intersection of Washington Street to provide for a 12-foot parkway, 12-foot deceleration/right turn only lane, three westbound through lanes, dual westbound left turn lanes to southbound Washington Street, and a raised median as approved by the City Engineer. The proposed right of way shall be measured 75 feet north of the centerline of Fred Waring Drive as shown on the approved Site Plan for the Site Development Permit and as approved by the City Engineer.
- b) for a deceleration/right turn only lane at the westerly most driveway on Fred Waring Drive measured 87 feet north of the centerline of Fred Waring Drive for a length of 248 feet plus storage length and a transition taper of an additional 150 feet or length as approved by the City Engineer to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS.
- c) for a deceleration/right turn only lane at the easterly most driveway on Fred Waring Drive as approved by the City Engineer.

Other required improvements in the Fred Waring Drive right-of-way and/or adjacent landscape setback area include:

- d) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs,
- e) An 8-foot wide meandering sidewalk. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curb line that either touches the back of curb or approaches within five feet of the curb at intervals not to exceed 250 feet. The sidewalk curvature radii should vary between 50

and 300 feet and at each point of reverse curvature, the radius should change to assist in creating the arrhythmic layout. The sidewalk shall meander into the landscape setback lot and approach within 5 feet of the perimeter wall at intervals not to exceed 250 feet.

- f) A 14 - foot wide raised landscaped median along the entire boundary of the Tentative Parcel Map. plus variable width as needed to accommodate 1) a raised median for the dual left turn pockets for the eastbound traffic of Fred Waring Drive to southbound Washington Street and left turn in movements at Palm Royale Drive.
  - g) Reconstruct the raised median at the shared drive aisle at Parcels 5 and 10 for a left turn deceleration lane with a left turn out restrictor for a length and taper up to the dual left turn lanes at the Fred Waring Drive and Washington Street intersection as approved by the City Engineer.
  - h) Design and construct traffic signal equipment and interconnect improvements along the project frontage including conduit, pull boxes and other appurtenances for the interconnection of the traffic signals.
  - i) Modification of the existing traffic signal at the Washington Street and Fred Waring Drive intersection as required by the abovementioned improvements and as approved by the City Engineer and the City of Palm Desert. Applicant shall submit plans and fees required for the City of Palm Desert concurrent approval.
  - j) Class II Bike Lane as approved by the City Engineer.
- 3) Palm Royale Drive (Pursuant to Parcel Map No. 27131 - Collector Street, 72' ROW):

Widen the west side of the street along all frontage adjacent to the Tentative Parcel Map boundary to its ultimate width on the west side as specified in the General Plan and the requirements of these conditions. The west curb face shall be located twenty four feet (24') west of the

centerline, except at locations where additional street width is needed to accommodate:

- a) Transitional street width required from 32 feet at the northerly boundary adjacent to the Colonel Mitchell Page Middle School to 24 feet at Rome Drive as approved by the City Engineer.
- b) A deceleration/right turn only lane on Palm Royale at the Fred Waring Drive intersection. The west curb face shall be located thirty two (32') west of the centerline and length to be as approved by the City Engineer to extend from the Access Drive across Rome Drive to Fred Waring Drive. to accommodate one left turn lane, one through lane and one right turn lane,

Other required improvements in the Palm Royale Drive right-of-way and/or adjacent landscape setback area include:

- c) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs,
- d) 6-foot wide sidewalk with a planter adjacent to curb.
- e) Class II Bike Lane to connect with the existing Bike Lane to the north and as required by the City Engineer.
- f) The applicant is responsible for a 25% share of the cost to design and install the traffic signal at the intersection of Palm Royale Drive and Fred Waring Drive that will be installed by the City of La Quinta CIP Project 2007-06.
- g) The applicant is responsible for the cost to design and install all traffic signal equipment including conduit, pull boxes and other appurtenances for the interconnection of this traffic signal with the existing traffic signal at the Washington Street and Fred Waring Drive intersection as approved by the City Engineer.

The applicant shall extend improvements beyond the parcel map boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets

and sidewalks).

20. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Collector	4.0" a.c /5.0" c.a.b.
Major Arterial	5.5" a.c./6.5" c.a.b.

or the approved equivalents of alternate materials.

21. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

22. General access points and turning movements of traffic are limited to the following:

A. Washington Street

- 1) Primary Access Drive (between Parcel 1 and 2): Right turn movements in and out and left turn movements in are permitted. Left turn movement out is prohibited.
- 2) Secondary Access Drive (northerly end of Tentative Parcel Map): Right turn movements in and out are permitted. Left turn movements in and out are prohibited.

B. Fred Waring Drive

- 1) Service Access Drive between Parcel 5 and 10: Right turn movements in and out and left turn movements in are permitted. Left turn movements out are prohibited.
- 2) Westerly most driveway to Parcel 3 between Parcels 4 and 5 on

Fred Waring Drive: Right turn movements in and out turn movements are permitted. Left turn movements in and out are prohibited.

- 3) Secondary most easterly Access Drive to Parcels 9 and 10. Right turn movements in and out are permitted. Left turn movements in and out are prohibited.

C. Palm Royale Drive

- 1) Access Drive across Rome Drive: Full turn movements are permitted.

23. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting is not required.
24. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

PARKING LOTS and ACCESS POINTS

25. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking). In particular, the following are conditioned with this approval.
  - A. Accessibility routes to public streets and adjacent development shall be shown on the Precise Grading Plan.
  - B. Cross slopes should be a maximum of 2% where ADA accessibility is required including accessibility routes between buildings.
  - C. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.
  - D. Parking stall lengths shall be according to LQMC Chapter 9.150 and be a minimum of 17 feet in length for standard parking stalls and 18 feet for handicapped parking stalls or as approved by the City Engineer.



- E. Drive aisles between parking stalls shall be a minimum of 26 feet with egress drive aisles a minimum of 30 feet or as approved by the City Engineer.
- F. Drive-thru aisles shall be a minimum of 12 feet along straight away portions and increased to a minimum 14 feet at bends (to accommodate turning movements). The minimum dimensions shall be paved roadway surface. Additionally for the drive-thru proposed at Building 10, a seven-car minimum stacking capacity is required from the order window to the drive-thru entrance off of the east-west drive aisle or as approved by the City Engineer. Additionally, the applicant shall construct signage and pavement markings to prevent vehicles blocking this east-west drive aisle as approved by the City Engineer.

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, dedicated turn lanes, ADA accessibility route to public streets and other features shown on the approved construction plans, may require additional street widths and other improvements as may be determined by the City Engineer. Site Plan dated January 14, 2009 requires additional revisions based on Public Works Department plan review of said Site Plan.

- 26. General access points and turning movements of traffic to off site public streets are limited to the access locations approved for Parcel Map No. 35088 and these conditions of approval.
- 27. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Parking Lot & Aisles (Low Traffic)	3.0" a.c./4.5" c.a.b.
Parking Lot & Aisles (High Traffic)	4.5" a.c./5.5" c.a.b.
Loading Areas	6" P.C.C./4" c.a.b.

or the approved equivalents of alternate materials.

- 28. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include

recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

29. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting is not required.
30. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
31. The applicant is required to eliminate parking stalls along the main entry drive aisle along the Primary Entry off of Washington Street up to Building 5 as shown on the Site Plan dated January 14, 2009 and as approved by the City Engineer.
32. The applicant is required to redesign the parking lot layout between Buildings 4 and 5 as approved by the City Engineer.
33. The applicant is required to address the westerly edge of the westerly parking stalls adjacent to the Office Building 11 as approved by the City Engineer.

#### FINAL MAPS

34. Prior to the City's approval of a Final Map, the applicant shall furnish accurate mylars of the Final Map that were approved by the City's map checker on a storage media acceptable to the City Engineer. The Final Map shall be 1" = 40' scale.

#### IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refer to persons currently certified or licensed to practice their respective professions in the State of California.

35. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040 (Improvement Plans), LOMC.

36. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

- |    |                            |                                 |
|----|----------------------------|---------------------------------|
| A. | On-Site Rough Grading Plan | 1" = 40' Horizontal             |
| B. | PM10 Plan                  | 1" = 40' Horizontal             |
| C. | SWPPP                      | 1" = 40' Horizontal             |
| D. | WQMP                       | (Plan submitted in Report Form) |

NOTE: A through D to be submitted concurrently.

- |    |  |  |
|----|--|--|
| E. | Off-Site Street Improvement/Storm Drain Plan                         | 1" = 40' Horizontal,<br>1" = 4' Vertical |
| F. | Off-Site Signing & Striping Plan                                     | 1" = 40' Horizontal                      |
| G. | Washington Street/Fred Waring Drive Traffic Signal Modification Plan | 1" = 20' Horizontal                      |

The Off-Site street improvement plans shall have separate plan sheet(s) (drawn at 20 scale) that show the meandering sidewalk, mounding, and berming design in the combined parkway and landscape setback area.

- |    |                                  |                     |
|----|----------------------------------|---------------------|
| H. | Traffic Signal Interconnect Plan | 1" = 40' Horizontal |
| I. | Precise Grading Plan             | 1" = 30' Horizontal |

NOTE: E through I to be submitted concurrently.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All Off-Site Plan & Profile Street Plans and Signing & Striping Plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

"Rough Grading" plans shall normally include perimeter walls with Top Of Wall & Top Of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Site Development Plan when it is submitted for plan checking.

In addition to the normal set of improvement plans, a "Precise Grading" plan is required to be submitted for approval by the Building Official and the City Engineer.

"Precise Grading" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements.

37. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the "Plans, Notes and Design Guidance" section of the Public Works Department at the City website ([www.la-quinta.org](http://www.la-quinta.org)). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.
38. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
39. Upon completion of construction, and prior to final acceptance of the improvements by the City, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall employ or retain the Engineer

Of Record during the construction phase of the project so that the EOR. can make site visits in support of preparing As Built drawings. However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As-Built" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

#### IMPROVEMENT SECURITY AGREEMENTS

40. Prior to approval of any Final Map, the applicant shall construct all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.
41. Any Subdivision Improvement Agreement ("SIA") entered into by and between the applicant and the City of La Quinta, for the purpose of guaranteeing the completion of any improvements related to this Tentative Parcel Map, shall comply with the provisions of Chapter 13.28 (Improvement Security), LQMC.
42. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements; and shall provide for the setting of the final survey monumentation.

When improvements are phased through a "Phasing Plan," or an administrative approval (e.g., Site Development Permits), all off-site improvements and common on-site improvements (e.g., backbone utilities, retention basins, perimeter walls, landscaping and gates) shall be constructed, or secured through a SIA, prior to the issuance of any permits in the first phase of the development, or as otherwise approved by the City Engineer.

Improvements and obligations required of each subsequent phase shall either be completed, or secured through a SIA, prior to the occupancy of permanent buildings within such latter phase, or as otherwise approved by the City Engineer.

In the event the applicant fails to construct the improvements for the development, or fails to satisfy its obligations for the development in a timely manner, pursuant to the approved phasing plan, the City shall have the right to halt issuance of all permits, and/or final inspections, withhold other approvals

related to the development of the project, or call upon the surety to complete the improvements.

43. Depending on the timing of the development of this Tentative Parcel Map, and the status of the off-site improvements at the time, the applicant may be required to:

- A. Construct certain off-site improvements.
- B. Construct additional off-site improvements required for development of this project, subject to the reimbursement of its costs by others.
- C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this tentative parcel map.
- D. Secure the costs for future improvements that are to be made by others.
- E. To agree to any combination of these means, as the City may require.

Off-Site Improvements should be completed on a first priority basis. The applicant shall complete Off-Site Improvements in the first phase of construction or by the issuance of the prior to the first building occupancy.

In the event that any of the improvements required for this development which this project is conditioned to provide are constructed by the City, the applicant shall, prior to the approval of the Final Map, or the issuance of any permit related thereto, reimburse the City for the project's proportionate share of the costs of such improvements to the satisfaction of the City Engineer.

44. If the applicant elects to utilize the secured agreement alternative, the applicant shall submit detailed construction cost estimates for all proposed on-site and off-site improvements, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

For items not listed in the City's unit cost schedule, the proposed unit costs shall be approved by the City Engineer.

At the time the applicant submits its detailed construction cost estimates for conditional approval of the Final Map by the City Council, the applicant shall

also submit one copy each of an 8-1/2" x 11" reduction of each page of the Final Map, along with a copy of an 8-1/2" x 11" Vicinity Map.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

### GRADING

45. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
46. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.
47. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
  - A. A grading plan prepared by a qualified engineer,
  - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
  - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC, and
  - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

A statement shall appear on the Final Map that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a grading permit.

48. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
49. Grading within the perimeter setback and parkway areas shall have undulating terrain and shall conform with the requirements of LQMC Section 9.60.240(F) except as otherwise modified by this condition requirement. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the backslope (i.e. the slope at the back of the landscape lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six feet (6') of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18") behind the curb.
50. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform with pad elevations shown on the tentative parcel map, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
51. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

52. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus five tenths of a foot (0.5') from the elevations shown on the approved Tentative Parcel Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
53. Prior to the issuance of a building permit for any building lot, the applicant shall



provide a lot pad certification stamped and signed by a qualified engineer or surveyor with applicable compaction tests and over excavation documentation.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

#### DRAINAGE

54. The applicant shall comply with the provisions of LQMC Section 13.24.120 (Drainage), Retention Basin Design Criteria, Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements. More specifically, stormwater falling on site plus offsite water to the street centerline tributary area during the 100 year storm shall be retained within the development, unless otherwise approved by the City Engineer. The design storm shall be either the 1 hour, 3 hour, 6 hour or 24 hour event producing the greatest total run off. Retention volume requirements are documented in the MSA October 15, 2006 Hydrology Report to equal 8.18 acre-feet.
55. Nuisance water shall be retained on site. Nuisance water shall be disposed of per approved methods contained in Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements.
56. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise and as approved by the City Engineer.
57. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.
58. No fence or wall shall be constructed around any retention basin unless approved by the Planning Director and the City Engineer.

59. For on-site above ground common retention basins, retention depth shall be according to Engineering Bulletin No. 06-16 - Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems. Side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. Additionally, retention basin widths shall be not less than 20 feet at the bottom of the basin.
60. Stormwater may not be retained in landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to LQMC Section 9.100.040(B)(7).
61. The design of the development shall not cause any increase in flood boundaries and levels in any area outside the development.
62. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.
63. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

#### UTILITIES

64. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
65. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.  
  
All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.
66. Underground utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer.

The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

### CONSTRUCTION

67. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. Temporary occupancy permits, for the purpose of allowing fixture interior improvements will be allowed.

### LANDSCAPE AND IRRIGATION

68. The applicant shall comply with LQMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).
69. The applicant shall provide landscaping in the required setbacks and retention basins, common lots areas.
70. Landscape and irrigation plans for landscaped lots and setbacks, medians and retention basins shall be signed and stamped by a licensed landscape architect.
71. The applicant shall submit the final landscape plans for preliminary approval by the Planning Department and green sheet sign off by the Public Works Department. After plan checking has been completed by the Planning Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the Planning Director, however landscape plans for landscaped median on public streets shall be approved by the both the Planning Director and the City Engineer. Where City Engineer approval is not required, the applicant shall submit for a green sheet approval by the Public Works Department.

Final irrigation and landscape plans for on-site planting shall be reviewed by the ALRC and approved by the Planning Director prior to issuance of first building permit. Final plans shall include all landscaping associated with this project.

NOTE: Plans are not approved for construction until signed by both the Planning Director and/or the City Engineer.

72. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director. Use of lawn areas shall be minimized

with no lawn, or spray irrigation, being placed within 24 inches of curbs along public streets.

73. The applicant or his agent has the responsibility for proper sight distance requirements per guidelines in the AASHTO "A Policy on Geometric Design of Highways and Streets, 5<sup>th</sup> Edition" or latest, in the design and/or installation of all landscaping and appurtenances abutting and within the private and public street right-of-way.

#### PUBLIC SERVICES

74. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer.

#### MAINTENANCE

75. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
76. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant will prepare and submit documentation that "runs with the land" for approval by the City Engineer and City Attorney for this continuous and perpetual maintenance obligation.

#### FEES AND DEPOSITS

77. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.
78. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
79. On the day after City Council approval of the application, a check made out to the "County of Riverside" for \$2,832.25 shall be delivered to the Planning Department for the environmental Notice of Determination fee.

#### MISCELLANEOUS

80. All applicable requirements of CUP 2007-105 and SDP 2006-875 shall be complied with.
81. All mitigation measures contained in the Final Environmental Impact (EIR) Report for EA 2006-582 shall be complied with. Said EIR is on file in the Planning Department of the City of La Quinta.
82. The applicant shall, to the satisfaction of the City Engineer, comply with all recommendations contained within the Transportation System Management/Transportation Demand Management Study for the Washington Street and Highway 111 Corridors.

